

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

VISION BIOSYSTEMS (USA) TRADING INC.,)	
)	
Plaintiff,)	
v.)	C.A. No. 03-CV-10391-GAO
)	
VENTANA MEDICAL SYSTEMS, INC.,)	
)	
Defendant.)	
)	
VENTANA MEDICAL SYSTEMS, INC.,)	
)	
Plaintiff,)	
v.)	C.A. No. 05-CV-10614-GAO
)	
VISION BIOSYSTEMS INC.,)	
)	
Defendant.)	
)	

**VISION'S MOTION FOR LEAVE TO SERVE THE ATTACHED EXPERT REPORT
FROM DR. BALIS ON THE ISSUE OF OBVIOUSNESS**

Vision BioSystems, Inc. ("Vision"), respectfully moves this Court for leave to serve a brief expert report from Dr. Ulysses G.J. Balis, M.D., on the issue of obviousness of Ventana's U.S. Patent No. 6,352,861. In support of its motion, Vision refers the Court to its memorandum of law, the supporting declaration and exhibits filed herewith.

For the reasons set forth in the attached memorandum of law, Vision respectfully requests that the Court grant this motion.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Vision respectfully submits that oral argument may assist the Court and respectfully requests oral argument on this motion.

Dated: May 7, 2007

Respectfully submitted,

By: /s/ Pamela Zorn Adams
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Attorneys for Vision BioSystems, Inc.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2) that prior to filing this motion, the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein.

/s/ Pamela Zorn Adams

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[PROPOSED] ORDER

This matter is brought before the Court by Vision BioSystems, Inc. ("Vision") on *Vision's Motion for Leave to Serve the Attached Expert Report from Dr. Balis on the Issue of Obviousness*.

This matter having been fully briefed and argued by the parties, and considered by the Court, it is hereby ORDERED:

That Vision's motion is hereby GRANTED.

So ordered this _____ day of _____, 2007.

George A. O'Toole, Jr.
United States District Judge